

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES MCGIBNEY, an individual; and
VIA VIEW, INC., a corporation.
Plaintiffs,

v.

CASE NO. 5:14-cv-01059-BLF

THOMAS RETZLAFF, an individual;
NEAL RAUHAUSER, an individual;
LANE LIPTON, an individual;
and DOES 1-5, individuals whose true
names are not known,
Defendants.

**DECLARATION OF COLLIN RETZLAFF IN SUPPORT OF DEFENDANT THOMAS
RETZLAFF**

I, Collin Retzlaff, am a witness in this matter, and I declare the following:

1. I am over the age of 18 years and am not a party to this action. I have personal knowledge of the facts stated in this declaration, and, if called as a witness, could and would testify competently to the truth of the facts as stated herein.

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2. I wish to withdraw my earlier affidavit that I made at the behest of James McGibney on July 23, 2014, and submit this one instead. I felt that I was bribed by Mr. McGibney for my assistance and that I was lied to by him. Before the restraining order court case on

July 29th, McGibney was always hitting me up on the phone or messaging me acting like he cared about me and my family. He was making me all sorts of promises about how he would help me out and get me an interview with Rolling Stone magazine so I could be famous and tell people about the book that I am trying to write. He told me that my father had done some terrible things and was being investigated by federal police and that my father was involved with crime and that McGibney was just trying to help all the "victims" of my father, to include my sister. I am sorry to say that I believed McGibney's lies. After I signed the affidavit for McGibney he sent me some money which he claimed were for my "expenses". After I signed the affidavit for McGibney he had a reporter from Rolling Stone magazine named David Kushner call me up for an interview. After I signed the affidavit for McGibney he gave me control of the website that he bought up in my name and in my mom's name.

3. I wish to state that I never personally saw my father work on any Wordpress blogs that attack James McGibney or his company. What I did see is was my father make some sort of comment or send an email to a blog called the BV Files on just one occasion a long time ago. I have no idea as to whether or not he has created any articles for this blog. Those words were put into my mouth by Mr. McGibney, who wrote up the affidavit for me.
4. I have no idea as to what email address is or is not tied into the BV Files blog. I have no idea if this BV Files account has been posted on "BVFiles" "McGibneyFiles" and "Via Viewfiles" Wordpress blogs. Those words were put into my mouth. I told Mr. McGibney that I did not know if my father had anything to do with those websites. I told him "I wasn't sure", but McGibney told me that this was the evidence that he needed.
5. Since the July 29th court hearing in the restraining order case I have since learned that everything that James McGibney has told me or claimed to me about my father has all been lies. McGibney claimed that he was some kind of computer security expert trained by the US Marines. But that is a total lie. I have seen firsthand McGibney's DD-214 and he was nothing but an Admin Clerk who had no computer related MOS or anything to do with computer security. McGibney also told me that he was involved with computer security for all US embassies and that he got a Navy Achievement medal for this work. But that is also a lie. I saw McGibney's medal citation firsthand and all it was for was for doing a good job as a paper pushing Admin Clerk at some school where he was working in the office at. After I saw McGibney's military records I realized that he was full of shit.
6. Mr. McGibney also told me that my father was the subject of some kind of super-secret FBI investigation for doing "really bad things", but that McGibney said he couldn't tell me about it because it was a secret. Yet not once in the past year has my father ever been contacted by any law enforcement authorities to my knowledge. I know this for a fact because I see my father many times a week and I sometimes stay with him over night and we talk about once a day. I am also a law enforcement officer for the past 5 ½ years in Phoenix. I would know if my father was the subject of a police investigation. I

would have seen or heard something, or would have been contacted by my fellow law enforcement officers, if this had been the case. McGibney has also claimed that there is a whole group of "several angry women" that are after my father and getting restraining orders against him. That, too, is also a lie. I know of no "angry women" that are after my father. It turns out that there is no one else "after" my father but McGibney.

7. Mr. McGibney admitted to me personally that he bought up websites in my name, my mother's name, and my sister's name. He said that he was doing this to "protect me" from harassment. But that doesn't make any sense to me. I know that McGibney has bought up websites in the names of my father along with many other people. I know that my father has been harassed and stalked by McGibney and his group by them posting photos of him online along with his personal information. McGibney owns the website Cheaternville.com. This is the website that photographs of my sister were posted on along with photos of my mom. I have seen the photos of many thousands of other girls posted on his website.
8. I never asked the restraining order court in San Jose to seal my July 2014 declaration and I am not afraid of my dad. I love him very much and I know that he loves me. I know that he will never cause me any physical harm. Those words were put into my mouth in the previous affidavit by McGibney. I did not read it over very closely when I signed it. McGibney had it sent to me by email and said that I needed to hurry up and get it signed and sent back to him. I trusted him to be accurate in what he wrote. It turns out that McGibney lied to me and took advantage of my trust. I told him that I did not want to be added to any restraining order. But I now know that he lied to me and went into court falsely claiming that I wanted to have a restraining order. McGibney lied!
9. To the best of my knowledge, my dad has NEVER been a member of the Ku Klux Klan (KKK), the Aryan Brotherhood prison gang, a NAZI or a member of any other type of gang or criminal or extremist organizations. I would think that I would know if he had. Nor has he ever murdered anyone, assaulted any police officers, or done any of the other ridiculous things that James McGibney has accused my dad of being and doing. For the past 17 or so years, my dad has never been arrested or convicted of any kind of crimes at all as far as I know, and since I have been personally involved with him for all these years I would know.
10. My father and sister do not get along very well at times. Once he was released from prison she went and stayed with him on many occasions in Texas, as did I. And my dad would frequently come to Arizona to visit her and me. At no time did my dad ever sexually abuse Brittany. They certainly never had any kind of sexual relationship together (as claimed by Mr. McGibney) and he most definitely never got her pregnant! I find these claims to be extremely offensive and completely untruthful.

11. A couple of weeks ago I heard Mr. McGibney talking on some kind of radio show and he said that my father had hidden cameras and had taken nude photos of my sister and made videos with her. This is a complete and utter lie! My sister has told me and our family many different stories about how these photos and videos supposedly came to be over the years since they first appeared on the internet. First she denied that it was even her. Then she claimed that someone had Photo Shopped her head on some person's body. Then she later said that, yes, it was her, but that the computer that she shared with her now ex-husband Robert had been hacked. And now she is trying to claim that my dad actually took them without her knowledge. But I have seen the photos with my own two eyes. The backgrounds in the photos are not the backgrounds of any room in any place that my father has ever lived at. Also, Brittany is seen clearly looking at the camera and posing. The claim by McGibney that my father installed hidden cameras in Brittany's home in El Paso, Texas, is equally ridiculous and untruthful. As far as I know, my father has never owned any hidden cameras. Nor in his bathroom in San Antonio would there have been any place to put one where it would not be noticed. The walls were plain and bare with just a single sink and the standard wall mirror that came already installed. So there was no place that a camera could be concealed.
12. My sister's divorce from her ex-husband Robert was very difficult. Robert cheated on her many times, ended up getting some girl pregnant and got my sister deeply into debt. She was hurt very badly by this. But my dad would always try to help her out. Even now he gives her money and helps pay her bills. I remember when she totaled out her car and she wanted him to give her \$20,000 so she could get a new one. About two years ago she sold off all of her stuff, moved to Peru and married some guy who lives there. She has no job or money except what she gets from my dad or sometimes my mom.
13. I do know for a fact that my dad has never been to Northern California in all the years that I have known him.
14. This statement is the result of my thinking about this matter for an extended period of time and great reflection upon these events. It is not made in haste, nor am I under any form of duress, threat, or promise. The way Mr. McGibney came at me and my mother was very surprising and strange. His actions towards us seemed like the typical grooming actions that a child sex offender does in order to gain the trust of his victims. I didn't realize what was happening until afterwards.
15. I want to make it absolutely, 100% clear here – I do not want to receive any more communications from James McGibney, his attorney Jay Leiderman or anyone else associated with the plaintiffs. I want nothing to do with this case and I will never testify on behalf of James McGibney or his company.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA AND ARIZONA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: 24 SEP 2014

X 
Collin Retzlaff